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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER CUtech-105A |
| | | U.S. APPLICATION NO. (If known, see 37 CFR 1.51) 10/581135 |
| INTERNATIONAL APPLICATION NO. PCT/US2004/042488 | INTERNATIONAL FILING DATE 17 Dec 2004 | PRIORITY DATE CLAIMED 17 Dec 2003 |
| TITLE OF INVENTION Activeinvasive EEG Device and Technique | | |
| APPLICANT(S) FOR DO/EO/US David P. VanSICKLE and Ken R. WINSTON | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31). **NOTE: for handy use, here, although 5c. is checked: >> attached is a full copy of PCT international >> application as filed and published, in English, >> # plus repub as 3-pg International Search Report (ISP).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made. >> in the international application stage.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). >> unexecuted</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification. >>inventor oath or declaration incorporates a Power of Attorney* to</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. J. Macheledt & J. Bales of Macheledt Bales & Heidmiller LLP</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> | | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/581135</div> | INTERNATIONAL APPLICATION NO. PCT/US2004/042488 | ATTORNEY'S DOCKET NUMBER CUtech-105A | | | | | | | | | | | | | | | | | | |
|--|--|--|---|--------------|--------------|-----------|---|---------|--|---------|----|---------|---|--|--|---------|--|--|----|--|
| 20. Other items or information: >> return postcard, and as NOTED on page 1 at >> # a copy of the 3-pg ISR (as a re-pub. of PCT app.) | | | | | | | | | | | | | | | | | | | | |
| The following fees have been submitted | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th style="width: 40%;">PTO USE ONLY</th> </tr> </table> | CALCULATIONS | PTO USE ONLY | | | | | | | | | | | | | | | | |
| CALCULATIONS | PTO USE ONLY | | | | | | | | | | | | | | | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 300.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 300.00 | | | | | | | | | | | | | | | | | |
| \$ 300.00 | | | | | | | | | | | | | | | | | | | | |
| 22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 200.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 200.00 | | | | | | | | | | | | | | | | | |
| \$ 200.00 | | | | | | | | | | | | | | | | | | | | |
| 23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 100.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 100.00 | | | | | | | | | | | | | | | | | |
| \$ 100.00 | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF 21, 22 and 23 = | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Total Sheets</th> <th style="width: 20%;">Extra Sheets</th> <th style="width: 40%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> </tr> </table> | Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | - 100 = | /50 = | | x \$250 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table> | | \$ | | | | | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | | | | | | | | | | | | | | | | |
| - 100 = | /50 = | | x \$250 | | | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table> | \$ | | | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>21 - 20 =</td> <td>1</td> <td>x \$ 50</td> </tr> <tr> <td>Independent claims</td> <td>5 - 3 =</td> <td>2</td> <td>x \$200</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> </tr> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | Total claims | 21 - 20 = | 1 | x \$ 50 | Independent claims | 5 - 3 = | 2 | x \$200 | MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table> | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | | | | | | |
| Total claims | 21 - 20 = | 1 | x \$ 50 | | | | | | | | | | | | | | | | | |
| Independent claims | 5 - 3 = | 2 | x \$200 | | | | | | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360 | | | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 850.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 850.00 | | | | | | | | | | | | | | | | | |
| \$ 850.00 | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">- 425.00</td> <td style="width: 40%;"></td> </tr> </table> | - 425.00 | | | | | | | | | | | | | | | | | |
| - 425.00 | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL = | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 425.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 425.00 | | | | | | | | | | | | | | | | | |
| \$ 425.00 | | | | | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table> | \$ | | | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 425.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 425.00 | | | | | | | | | | | | | | | | | |
| \$ 425.00 | | | | | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 40.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 40.00 | | | | | | | | | | | | | | | | | |
| \$ 40.00 | | | | | | | | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 465.00</td> <td style="width: 40%;"></td> </tr> </table> | \$ 465.00 | | | | | | | | | | | | | | | | | |
| \$ 465.00 | | | | | | | | | | | | | | | | | | | | |
| | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Amount to be refunded:</td> <td style="width: 40%;">\$</td> </tr> </table> | Amount to be refunded: | \$ | | | | | | | | | | | | | | | | |
| Amount to be refunded: | \$ | | | | | | | | | | | | | | | | | | | |
| | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Amount to be charged</td> <td style="width: 40%;">\$</td> </tr> </table> | Amount to be charged | \$ | | | | | | | | | | | | | | | | |
| Amount to be charged | \$ | | | | | | | | | | | | | | | | | | | |

10/581135

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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AP20 REC'D PCT/PTO 20 MAY 2006
eotech-1105A

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-0725. A duplicate copy of this sheet is enclosed. Deposit account: Macheledt Bales LLP
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

> CUSTOMER NUMBER: 28304

Jean Macheledt
Macheledt Bales & Heidmiller LLP
501 Skysail Lane, Suite B100
Fort Collins, Colorado 80525-3133
tel. (970) 218-6798

SIGNATURE

NAME

Jean M. Macheledt

33,956

REGISTRATION NUMBER

Express Mail mailing label number: ER 891 816 447 US
Date of Deposit: Friday, 30th day of MAY 2006 (Tuesday) ✓

I hereby certify that these papers and fee authorization is being deposited with U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to: Mail Stop PATENT APPLICATION
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450
Printed Name: Jean M Macheledt

Signature